

STAT

LOUISVILLE TIMES (KY)  
22 March 1985

# Bad idea from CIA

## Anti-leak proposal could even snare Reagan

The Central Intelligence Agency wants to make lawbreakers out of most of the upper echelon of the United States government. That would be the effect of the agency's proposal for a U.S. version of the British Official Secrets Act.

According to *The New York Times*, the CIA wants to make it a crime for government employees or former employees to disclose classified information — any of the millions of documents the government designates each year, some of which contain no secrets — without authorization. The offense would carry a maximum penalty of five years in prison and a \$25,000 fine.

The move is designed to remove all legal doubts that have been raised in the case involving Samuel Loring Morison, who is accused of having sent three U.S. satellite photos of a Soviet aircraft carrier under construction to *Jane's Defense Weekly*, a British publication. Mr. Morison has been charged with violating the Espionage Act, passed during World War I, and with theft of government property. Both laws have been used in this context only once before — the unsuccessful prosecution of Daniel Ellsberg and Anthony Russo for giving the Pentagon Papers to the press.

Previous attempts by those close to Mr. Reagan to drape the government in a cloak of secrecy unprecedented in peacetime have included increased use of lie detectors to trace the source of

unauthorized disclosures and requirements that certain officials sign agreements that they will not release information to unauthorized persons.

At best these "plumbing" efforts — especially at the Pentagon — have been heavy-handed political maneuvers; at worst, they appear designed to prevent the kind of public scrutiny and discussion of policy essential in a free and open society.

And this latest salvo in the war against the time-honored Washington tradition of "leaking" could backfire on any administration at any moment. Those at high levels, including Presidents and Cabinet members, have never hesitated to divulge sensitive information when it serves their purposes.

President Reagan did exactly that when he used aerial reconnaissance photographs on national television to support the administration's claim that the Soviet Union was trying to extend its military influence into the Caribbean. As former U.S. Sen. Walter "Dee" Huddleston of Kentucky observed, he was selectively using classified material "to promote one side of the debate."

The late President Lyndon Johnson and former Secretary of State Henry Kissinger won reputations as "leakers" of some skill. After leaving government, Mr. Kissinger selectively used classified material in his memoirs in order to shed a more positive light on his years of public service.

Thus far, the administration hasn't officially acknowledged the CIA proposal. If it officially surfaces, Congress should reject it decisively. Our espionage laws are sufficient, as former CIA director William E. Colby acknowledged in 1979. Congress, he said, "has drawn a line between espionage for a foreign power and simple disclosure of foreign-policy and defense secrets, and decided that the latter problems are an acceptable cost of the kind of society we prefer." That distinction must stand.